

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT DANVILLE, VA  
FILED  
for Roanoke  
MAR 10 2014  
JULIA C. DUDLEY, CLERK  
BY: [Signature]  
DEPUTY CLERK

KELVIN E. BROWN,  
JACOB X PEYTON, and  
MALCOLM MUHAMMAD,

Plaintiffs,

v.

RANDALL C. MATHENA, et al.,

Defendants.

Civil Action No. 7:14-cv-00020

MEMORANDUM OPINION

By: Jackson L. Kiser  
Senior United States District Judge

Jacob X Peyton, proceeding pro se, jointly filed a civil rights complaint with co-plaintiffs pursuant to 42 U.S.C. § 1983. By Order entered January 22, 2014, the court directed Peyton to submit within 10 days from the date of the Order an executed verified statement form submitted with accompanying documentation demonstrating that he exhausted the available remedies as to each of the claims raised in the complaint, or Peyton must document that such remedies did not exist at the present place of confinement or were not available to Peyton at the present time; a statement of assets; an inmate account report, and a certified copy of Peyton's trust fund account for the six-month period immediately preceding the filing of the complaint, obtained from the appropriate prison official of each prison at which Peyton is or was confined during that six-month period. Peyton was advised that a failure to comply would result in dismissal of this action without prejudice.

More than 31 days have elapsed, and Peyton has failed to comply with the described conditions. Accordingly, the court dismisses Peyton's claims without prejudice in this complaint and terminates Peyton from this case. Peyton may refile the claims in a separate action once he is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying  
Order to plaintiff.

ENTER: This 10<sup>th</sup> day of <sup>March</sup>~~February~~, 2014.

Jackson S. Tice  
Senior United States District Judge